



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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May 26, 2000

Larry Garahana
Bureau of Land Management
Fillmore Field Office
35 East 500 North
Fillmore, Utah 84631

Re: Deficient Small Mine Notice, Permit Fee Due, Levin Stone Company, Small Mining Projects, Levin #1 - S/027/086 (UTU-078278) and Levin #2 - S/027/087 (UTU-078279), Millard County, Utah

Dear Mr. Garahana:

Thank you for forwarding a copy of the two Notices submitted by Van Falls of Levin Stone Company. The notices were received by the Division on May 19, 2000. The proposed small mining projects are located in Millard County, Utah.

Your agency's designated numbers for these projects are: UTU-078278 and UTU-078279. Because the two notices did not identify a claim name, we arbitrarily assigned the name of Levin #1 to UTU-078278 and assigned our file number S/027/086. We assigned the name of Levin #2 to UTU-078279 and assigned our file number S/027/087 to that project. If the operator wishes to change the names to identify the mine (claim) name, please advise.

The remaining information in the small mine notice for these two projects is considered complete; however, **payment of the appropriate permit fee is required before these notices can be considered to be in effect under the Division regulations and prior to creating surface disturbances.** The Utah Mined Land Reclamation Act of 1975 [40-8-7(I)] provides the authority for fee implementation which was approved by the Utah Legislature at its 1998 session. Commencing July 1, 1998, the fees are assessed to new and existing notices of intention, and annually thereafter. Mr. Falls will need to pay the \$100.00 fee for each site to the Division in order for the notices to be considered in effect (billing statements will be sent to Mr. Falls). A check made out to the "Utah Division of Oil, Gas and Mining" for the appropriate amount is preferred. It is Division policy that fee payments received within 45 days of the next fiscal year (July 1 - June 30) will be applied to that next year. Therefore, Mr. Falls should pay the initial fee for each site now and the payment will be credited toward the 2000-2001 fiscal year. He will not have to pay again in July.

There were no variances requested in the notices. The Division will interpret this to mean that the operator will comply fully with all the applicable "Operation and Reclamation Practices" as described in the Utah Mined Land Reclamation Rules. A summary of these rules is enclosed and in the interest of time, will also be sent to the operator along with a copy of this letter. If a variance is required, the operator must make a written request, provide justification for the variance and receive written approval or denial of the request from this office. A variance request is not required for those practices which apply to features which are nonexistent

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at the mine site. For example, a variance to the requirement of permanently sealing shafts or tunnels is not required if the mine operation does not include shafts or tunnels.

*It is understood that the Division will notify your office of any permitting concerns we may have, and in turn, your office, acting as 'Lead Agency' will notify the operator accordingly. In the interest of time, we will forward a copy of this letter, along with a billing statement to Mr. Falls. Acceptance of a mining notice by another agency, **does not** constitute approval to commence operations without first meeting the requirements and receiving written acceptance from the Division of Oil, Gas and Mining, nor does approval by this Division allow operations to commence without other agency approval.*

When the operations do commence, we suggest the operator give special consideration to item #10 of the "Operation and Reclamation Practices." Stockpiling topsoil material prior to beginning mining operations will help ensure successful revegetation efforts upon final reclamation of the mine site. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts and future regulatory release from reclamation requirements.

If Mr. Falls wishes to expand his operation beyond the five (5) acre limitation, he is advised to notify our office as soon as possible to discuss the necessary permitting requirements. Approval of a large mining notice could take from six to twelve months or longer.

Please provide us with copies of future correspondence regarding this project. Please reference our file numbers S/027/086 (Levin #1) and S/027/087 (Levin #2) regarding these sites. Thank you for your cooperation. When in the area, a member of the Division staff will examine the site. Do not hesitate to call me at (801) 538-5321 if you have any questions regarding this letter.

Sincerely,



Tom Munson
Senior Reclamation Specialist

jb
cc: Van Falls, Levin Stone Co. w/bill and SMO summary
Tracking File
Levin-fee